

**Administrative Hearing Commission  
State of Missouri**



STATE COMMITTEE OF  
PSYCHOLOGISTS,

Petitioner,

vs.

JAMES P. LANE,

Respondent.

No. 94-001572PS

**FINDINGS OF FACT AND CONCLUSIONS OF LAW**

The State Committee of Psychologists filed a complaint on October 19, 1994. The Committee seeks this Commission's decision that the license of James P. Lane is subject to discipline for maintaining dual relationships with a client.

We convened a hearing on the complaint on March 9, 1995. Daryl R. Hylton represented the Committee. Lawrence J. Altman represented Lane. At the hearing, Lane objected to the use of P.E.'s initials instead of her name. Lane argued that he had a constitutional right to have the record identify P.E. by her full name. He cited no authority. Our ruling stands. Lane also renewed his motion to dismiss and we denied it. Lane raises that motion for a third time in written argument.

The Committee filed the last written argument on July 6, 1995.

**Findings of Fact**

1. Lane holds psychologist license no. PY00704, which was current at all relevant times.
2. Every therapist/patient relationship must have boundaries--standards of thought and action that confine the relationship to therapeutic areas. Important boundaries include certain distances--physical, temporal, and emotional.

3. Transference is a normal and common phenomenon in long-term patient/therapist relationships. It occurs when a patient develops and transfers onto a therapist unrealistic feelings. These feelings are not based on reality, but ordinarily are related to or stem from the underlying difficulties for which a patient seeks treatment. For example, a female patient who has had difficulty in love relationships may "fall in love" with her therapist because, perhaps for the first time, she feels comfortable opening up and sharing her feelings.

4. Countertransference refers to feelings that develop in a therapist toward a patient. These feelings are in response to transference issues from the patient and are rooted not in the real dynamics between the individuals, but in unresolved conflicts and personality problems in the therapist. Countertransference, if not controlled, erodes the therapist's neutrality and can significantly hinder the patient's progress or cause the patient greater harm.

5. The therapist must manage all threats to boundaries. No boundary under any genuine therapeutic theory can contain hugging, socializing, personal notes, expressions of love, or countertransference. Breaching the boundaries renders therapy useless and even harmful.

6. P.E. was a social work student in the latter part of 1986. P.E. felt a continuing shame and guilt from incest with her father, as though she had caused her father's wrongful desire for her.

7. P.E. was a student intern at Edgewood--a division of St. John's Mercy Medical Center in St. Louis--where Lane was a consultant. Their offices were next to one another. P.E. was experiencing marital difficulties. Lane and P.E. began a therapist/patient relationship and met at least weekly.

8. Lane detected transference and countertransference with P.E., but did not refer P.E. to another therapist. He continued their therapist/patient relationship knowing that he was beyond any acceptable boundaries. Lane's countertransference showed in hugging P.E. during therapy, making spoken and written expressions of love to her, and appearing uninvited at a party for her. When P.E. expressed discomfort at Lane's touch during therapy, Lane labelled her discomfort an emotional dysfunction. In July 1987, P.E. terminated the therapist/patient relationship. Lane continued to send P.E. written expressions of love and gifts.

9. Lane's multiple relationships with P.E. as coworker/therapist/suitor caused P.E. to feel guilt and shame.

### Conclusions of Law

We have jurisdiction to hear the Committee's complaint. Section 621.045.1, RSMo 1994. The issue is whether "the license may be suspended or revoked as provided in the statutes and regulations relating to the profession or vocation of the licensee[.]" Section 621.110. The Committee has the burden of proof. *Missouri Real Estate Comm'n v. Berger*, 764 S.W.2d 706, 711 (Mo. App., E.D. 1989).

The Committee charges that Lane's license is subject to discipline under subdivisions (5), (6), (13), and (15) of § 337.035.2, RSMo 1986.

Subsections 337.035.2(6) and (15) allow discipline for:

(6) Violation of . . . any provision of this chapter, or of any . . . regulation adopted pursuant to this chapter; [or]

\* \* \*

(15) Being guilty of unethical conduct as defined in "Ethical Rules of Conduct" as adopted by the committee and filed with the secretary of state.

The Committee adopted the following Ethical Rules of Conduct in its Regulation 4 CSR 235-5.020. Sections (2) and (7) provide:

(2) Responsibility: In providing services, psychologists maintain the highest standards of their profession. They accept responsibility for the consequences of their acts and make every effort to ensure that their services are used appropriately.

\* \* \*

(F) As practitioners, psychologists know that they bear a heavy social responsibility because their recommendations and professional actions may alter the lives of others. They are alert to personal, social, organizational, financial, or political situations and pressures that might lead to misuse of their influence.

\* \* \*

(7) Welfare of the Consumer: Psychologists respect the integrity and protect the welfare of the people and groups with whom they work.

(A) Psychologists are continually cognizant of their own needs and of their potentially influential position vis-a-vis persons such as clients, students, and subordinates. They avoid exploiting the trust and dependency of such persons. Psychologists make every effort to avoid dual relationships that could impair their professional judgement or increase the risk of exploitation. Examples of such dual relationships include, but are not limited to, research with and treatment of employees, students, supervisees, close friends, or relatives. Sexual intimacies with clients are unethical.

We agree with the Committee that Findings 7 and 8 show cause to discipline because Lane entered into dual relationships with P.E.--therapist/coworker, therapist/patient, and therapist/suitor. Lane let P.E. use his services inappropriately and ignored his responsibilities, exploiting her needs for his own.

We conclude that Lane is subject to discipline under subdivisions (6) and (15) for violating regulations made under chapter 334 and the Committee's ethical rules.

Section 337.035.2(5) and (13) allows discipline for:

(5) Incompetency, misconduct, [or] gross negligence . . . in the performance of the functions or duties of [a psychologist or];<sup>1</sup>

\* \* \*

(13) Violation of any professional trust or confidence[.]

Incompetence includes a general lack of, or disposition to use, a professional ability. *Forbes v. Missouri Real Estate Comm'n*, 798 S.W.2d 227, 230 (Mo. App., W.D. 1990). Gross negligence is "an act or course of conduct which demonstrates a conscious indifference to a professional duty." *Duncan v. Missouri Bd. for Arch'ts, Prof'l Eng'rs & Land Surv'rs* 744 S.W.2d 524, 533 (Mo. App., E.D. 1988). Misconduct means "the willful doing of an act with a wrongful intention[;

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<sup>1</sup>The Committee's complaint cites the provisions of this statute relating to fraud, misrepresentation or dishonesty, but alleges no facts and makes no argument relating to those acts.

intentional wrongdoing." *Missouri Bd. for Arch'ts, Prof'l Eng'rs, & Land Surv'rs v. Duncan*, no. AR-84-0239 at 125 (Mo. Admin. Hearing Comm'n Nov. 15, 1985) *aff'd*, 744 S.W.2d 524 (Mo. App., E.D. 1988). Professional trust or confidence includes a patient's reliance on the special skills that licensure evidences. *State Bd. of Nursing v. Morris*, no. BN-85-1498 (Mo. Admin. Hearing Comm'n 1988).

We agree that Lane is subject to discipline for incompetency, gross negligence, and violating P.E.'s professional trust or confidence. We may infer the requisite mental state from the conduct of the licensee "in light of all surrounding circumstances." *Duncan, supra*, at 744 S.W.2d 533. Lane's repeated and knowing incursions across the boundaries of therapist/patient relations show us that he was willing to breach them as it suited him. That is a gross deviation from professional standards.

Further, we conclude that he acted with the wrongful intent of exploiting P.E.'s traumatic emotional history for his own gratification. Lane's written communications employed language of spiritual or divine love. Whatever his purpose in clothing his advances in such terms--to make him appear harmless to P.E. or to comfort himself in the face of obvious professional violations--we cannot ignore that Lane was trained in a profession that increases his understanding of--and ability to manipulate--the mind. We conclude that Lane was guilty of misconduct.

Lane does not dispute the facts we have found or disagree that they constitute cause for discipline under the provisions cited. Instead, Lane raises two defenses. We have no power to grant Lane relief under either defense.

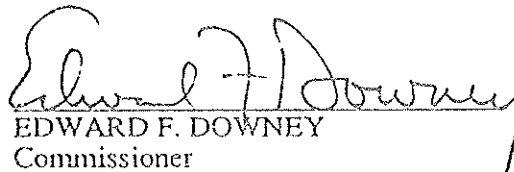
First, Lane argues that the conduct of the Committee's investigation and its choice of expert witness violate Lane's rights to due process of law. The constitutionality of any procedure to this point is not relevant because the Committee's decision is not final until we remake it. *Geriatric Nursing Facility, Inc. v. Department of Social Servs.*, 693 S.W.2d 206, 209 (Mo. App., W.D. 1985). In any event, we disagree that Lane has any right to a certain type of investigation or expert witness, as he argues.

Second, Lane argues that the time between his violations--or the Committee's investigative hearing--and the filing of the complaint was too long. We cannot grant relief based on lapse of time. At law, no statute of time limitation applies. *Excell Drug Co., Inc. v. Missouri Dept. of Revenue*, 609 S.W.2d 404, 409 (Mo. banc 1980). To the extent that Lane invokes the equitable doctrine of laches, we have no power to grant equitable relief. *Soars v. Soars-Lovell, Inc.*, 142 S.W.2d 866, 871 (Mo. 1940).<sup>2</sup> In any event, laches does not apply to the State. *LaRocca v. State Bd. of Regis'n for the Healing Arts*, 897 S.W.2d 37, 45 (Mo. App., E.D. 1995). Even if we had the power to grant such relief, we would not do so because the record does not show the elements of laches.

#### Summary

This Commission, therefore, concludes that Lane's license is subject to discipline under § 334.100.2(5), (6), (13), and (15).

ENTERED on July 21, 1995.

  
EDWARD F. DOWNEY  
Commissioner

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<sup>2</sup>Lane's citation to *Ogden v. Henry*, 872 S.W.2d 608 (Mo. App., W.D. 1994) is unpersuasive because the court merely reviewed the elements of an equitable doctrine--it did not state that an administrative tribunal had power to grant relief under it. *Id.* at 612-13.

BEFORE THE  
STATE COMMITTEE OF PSYCHOLOGISTS  
STATE OF MISSOURI

STATE COMMITTEE OF PSYCHOLOGISTS,	)	
	)	
Petitioner,	)	
	)	
v.	)	Case No. 94-001572PS
	)	
JAMES P. LANE	)	
	)	
Respondent.	)	

**FINDINGS OF FACT, CONCLUSIONS OF LAW  
AND DISCIPLINARY ORDER**

**Findings of Fact**

The Administrative Hearing Commission is an agency of the State of Missouri created and established pursuant to § 621.015, RSMo, for the purpose of conducting hearings and making findings of fact and conclusions of law in cases in which disciplinary action may be taken against a licensee or certificate holder by certain agencies, including the Missouri State Committee of Psychologists.

On July 21, 1995, the Administrative Hearing Commission of the State of Missouri entered its Findings of Fact and Conclusions of Law in the case of State Committee of Psychologists v. James P. Lane, Case No. 94-001572PS. In its decision, the Administrative Hearing Commission found that Respondent's license to practice

psychology is subject to disciplinary action by this Committee for violation of §§337.035.2 (5) and (13) RSMo, 1989.

This Committee has received the record of the proceedings before the Administrative Hearing Commission and the decision. The decision by the Administrative Hearing Commission in Case No. 94-001572PS is incorporated herein by reference as if fully set forth in this document.

This Committee set this matter for disciplinary hearing and served notice of the disciplinary hearing upon Respondent in a proper and timely fashion.

Pursuant to notice and §621.110, RSMo, this Committee held a hearing on November 18, 1995, at the Division of Professional Registration located in Jefferson City, Missouri, for the purpose of determining the appropriate disciplinary action against Respondent's license. Respondent was present for the hearing and was represented by counsel, Mr. Lawrence Altman. The Committee was represented by Assistant Attorney General Daryl Hylton.

Each member of this Committee who participated in this decision certified on the record that he or she had read the Administrative Hearing Commission's Findings of Fact and Conclusions of Law. The following members of this Committee were present throughout the hearing and participated in the Committee's deliberations, vote and order: Dr. Daryl Hartke, Dr. Betty Kraemer, Dr. Betty Schlesing, Dr. Carl Willis, Dr. Janice Vanburen and Dr. Clifford Whipple.



James P. Lane, Respondent, is licensed by the Committee, license number PY00704. Respondent's license is current and active.

### **Conclusions of Law**

This Committee has jurisdiction over this proceeding pursuant to Section 621.110, RSMo.

Respondent's license is subject to disciplinary action by this Committee pursuant to §337.035.2 (5) and (13), RSMo 1989.

### **Disciplinary Order**

THEREFORE, having fully considered all the evidence before this Committee, and giving full weight to the Findings of Fact and Conclusions of Law of the Administrative Hearing Commission, it is the ORDER of this Committee that the license of James P. Lane, numbered PY00704, to practice psychology is hereby SUSPENDED for a period of two (2) years. The suspension shall be stayed, and Respondent's license shall immediately be placed on PROBATION for a period of three (3) years. The following terms and conditions shall apply throughout the periods of suspension and probation.

- A. At Respondent's expense, Respondent must undergo an evaluation to assess current functioning and effects of such functioning on Respondent's ability to practice, conducted by Dr. Ellen Moran or such other psychologist approved by the State Committee of Psychologists. Within twenty (20) business days of the effective date of this Order, Respondent shall submit a list of no less than five (5) proposed

psychologists to conduct the evaluation in the event Dr. Moran is unable to conduct the evaluation. The Committee may approve a psychologist from this list, or may require a second list of five (5) psychologists which the Respondent shall submit within twenty (20) business days of the Committee's request. The Respondent must begin the evaluation within thirty (30) days of the Committee's approval. The Respondent must immediately notify the Committee, in writing, of the start date of the evaluation.

- B. The written evaluation must be submitted by the evaluating psychologist to the State Committee of Psychologists within thirty (30) days of the evaluation being initiated. It shall be Respondent's responsibility to ensure that the evaluation is submitted by the evaluating psychologist to the State Committee of Psychologists.
- C. The evaluating psychologist shall be released to discuss the purpose and methods of the evaluation with a representative of the State Committee of Psychologists prior to performing the evaluation. The evaluation will be pursuant to consultation with the State Committee of Psychologists. While Respondent will pay for the evaluation, the evaluating psychologists will work on behalf of the State Committee of Psychologists.
- D. Respondent shall abide by the recommendations of the evaluating psychologist set forth in the psychological evaluation. Respondent shall

engage in all psychological testing, evaluation, supervision, therapy or other treatment recommended. If therapy is deemed appropriate, the treating psychologist must be different from the psychologist performing the evaluation and must be approved by the State Committee of Psychologists. Respondent shall commence any recommended therapy or treatment within twenty (20) business days of the evaluation completion date.

- E. If therapy is deemed appropriate, it must be continued according to the frequency of sessions recommended by the evaluating psychologist. The treatment modality or plan shall reflect issues and themes recommended by the evaluating psychologist as well as any additional treatment goals. Ongoing treatment and documentation should address the evaluating psychologist's recommendation.
- F. In the event the treating psychologist becomes unable or decides not to continue serving in his/her capacity as a treating psychologist or otherwise ceases to serve as a treating psychologist during the disciplinary period, then, the Respondent shall:
  - a) within three (3) business days of being notified of the treating psychologist's inability or decision not to continue serving as the treating psychologist, or otherwise learning of the need to secure a treating psychologist, advise the State Committee in writing that he/she is needing to secure a treating psychologist and

the reasons for such change; and

b) within twenty (20) business days of being notified of the treating psychologist's inability or decision not to continue serving as the treating psychologist, or otherwise learning of the need to secure a treating psychologist, secure a treating psychologist pursuant to and in accordance with the terms and conditions set forth in this Order.

- G. Respondent must give the State Committee of Psychologists or its representative permission to review Respondent's treatment and/or medical records.
- H. Respondent's therapist must report every six (6) months to the State Committee of Psychologists on Respondent's progress. It is Respondent's responsibility to ensure that these reports are provided in a timely manner.
- I. During the disciplinary period, the scope and nature of Respondent's practice as a professional psychologist will be under review of the State Committee of Psychologists. Respondent may not work in settings that increase Respondent's risk for sexual misconduct. Respondent's work setting must be approved by the State Committee of Psychologists.
- J. Within one (1) year of the entry date of this Order, Respondent must complete a professional education course on the topic of professional ethics approved by the State Committee of Psychologists. Such course

must be taken in a department of psychology from a program approved by the American Psychological Association and must consist of three (3) hours of graduate credit or a continuing education course on such topic as approved by the State Committee of Psychologists for no less than forty-five (45) CEU credits. The Respondent must obtain a grade of B or higher in the course. Readings courses, correspondence courses or independent study courses are unacceptable.

K. During the probationary period, Respondent must inform Respondent's worksite supervisor, employers, and all hospitals, institutions, and managed health care organizations with which Respondent is affiliated, that Respondent's work as a professional psychologist is under probation by the State Committee of Psychologists.

L. During the probationary period, Respondent's practice as a professional psychologist shall be supervised on a weekly basis by a psychologist approved by the State Committee of Psychologists. Within (20) business days of the effective date of this Order, Respondent shall submit a list of no less than (5) five proposed psychologists to provide supervision. The Committee may approve a psychologist from this list, or may require a second list of five (5) psychologists which Respondent shall submit within twenty (20) business days of the Committee's request. If Respondent has failed to secure a supervisor within twenty (20) business days from the start of probation the Respondent shall cease practicing

psychology until a supervisor is secured. Respondent shall be responsible for any payment associated with the supervision. Supervision includes, but is not limited to, weekly onsite face-to-face review of cases, and review of written reports such as case notes, intake assessments, test reports, treatment plans, and progress reports.

M. In the event the supervising psychologist becomes unable or decides not to continue serving in his/her capacity as a supervising psychologist or otherwise ceases to serve as a supervising psychologist during the period of probation, then, the Respondent shall:

- a) within three (3) business days of being notified of the supervising psychologist's inability or decision not to continue serving as the supervising psychologist, or otherwise learning of the need to secure a supervising psychologist, advise the State Committee of Psychologists in writing that he/she is needing to secure a supervising psychologist and the reasons for such change; and

- b) within twenty (20) business days of being notified of the supervising psychologist's inability or decision not to continue serving as the supervising psychologist, or otherwise learning of the need to secure a supervising psychologist, secure a supervising psychologist pursuant to and in accordance with the terms and conditions set forth in this Order. After twenty (20) business days,

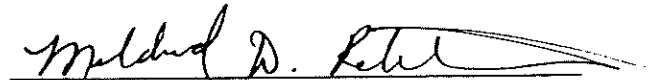
the Respondent shall not practice if he or she has not secured a supervisor.

- N. The supervising psychologist shall be vested with administrative authority over all matters affecting the provision of psychological health services provided by Respondent.
- O. Respondent's supervisor must report every six (6) months on Respondent's compliance with this Order.
- P. Respondent may not serve as a supervisor for any psychological trainee, psychological intern, psychological resident, psychological assistant, or any person undergoing supervision during the course of obtaining licensure as a psychologist, professional counselor, or social worker.
- Q. Respondent must keep the State Committee of Psychologists apprised at all times, in writing, of Respondent's current home and work addresses and telephone numbers.
- R. Respondent is required to pay to the State Committee of Psychologists, in a timely fashion, all requisite fees required by law to renew and keep current Respondent's psychology license in Missouri.
- S. Respondent is required to comply with all provisions of Chapter 337, RSMo, the rules and regulations duly promulgated by the State Committee of Psychologists and state and federal criminal laws.
- T. Respondent must provide periodic reports of Respondent's compliance with this Order every six (6) months.

- U. At Respondent's expense, Respondent must agree to meet with the State Committee of Psychologists at reasonable intervals designated by the Committee.
- V. Upon the expiration of the disciplinary period, the Respondent's license as a psychologist in Missouri shall be fully restored, provided all provisions of this Order and all other requirements of law have been satisfied.
- W. If the State Committee of Psychologists determines that the Respondent has violated a term or condition of his/her discipline, or has otherwise failed to comply with the provision of Chapter 337 RSMo, which violation would be actionable in a proceeding before the State Committee of Psychologists or the Administrative Hearing Commission or a Circuit Court, the State Committee of Psychologists may elect to pursue any lawful remedies or procedures afforded to it, and is not bound by this Order in its selection of remedies concerning such violation.
- X. The State Committee of Psychologists will maintain this Order as an open record of the Committee.

IT IS SO ORDERED, effective this 30th day of January, 19 96.

STATE COMMITTEE OF PSYCHOLOGISTS



Mildred Robertson  
Executive Director

(SEAL)



IN THE CIRCUIT COURT OF THE COUNTY OF ST. LOUIS  
STATE OF MISSOURI

James P. Lane,

Plaintiff(s)

vs.

State Committee of,  
Psychologists

Defendant(s)

Date: July 26, 1996 AUG 01 '96

Cause No. 686192

Division No. 5

MISSOURI  
ATTORNEY GENERAL

JUDGMENT AND ORDER

The above cause comes before the Court on Petitioner's Petition for Judicial Review of the Findings of Facts and Conclusions of Law and Disciplinary Order of the State Committee of Psychologists, filed with the Court.

The Court, being fully advised in the premises, finds as follows:

1. the decision of the State Committee of Psychologists is not in violation of any constitutional provisions;
2. the decision of the State Committee of Psychologists is supported by competent and substantial evidence upon the whole record;
3. the decision of the State Committee of Psychologists is authorized by law;
4. the decision of the State Committee of Psychologists is not in excess of the statutory authority or jurisdiction of the Committee.

Wherefore, it is Ordered, Adjudged and Decreed that the decision of the State Committee of Psychologists be and the same is hereby AFFIRMED.

SO ORDERED:

  
John F. Kintz, Judge

cc: Lawrence J. Altman  
Attorney for Plaintiff

Daryl R. Hylton  
Attorney for Defendant

IN THE CIRCUIT COURT OF THE COUNTY OF ST. LOUIS  
STATE OF MISSOURI  
CIRCUIT JUDGE DIVISION

JAMES P. LANE,

Petitioner,

v.

STATE COMMITTEE OF PSYCHOLOGISTS,

Respondent.

Case No.  
Division No.

686192

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Serve at:  
3605 Missouri Boulevard  
Post Office Box 153  
Jefferson City MO 65109

PETITION FOR JUDICIAL REVIEW OF THE  
FINDINGS OF FACTS AND CONCLUSIONS OF  
LAW AND DISCIPLINARY ORDER OF THE  
STATE COMMITTEE OF PSYCHOLOGISTS

COMES NOW PETITIONER, JAMES P. LANE, by and through his attorneys and for his Petition for review of the Findings of Facts and Conclusions of Law and Disciplinary Order of the State Committee of Psychologists, states as follows:

1. Plaintiff is a resident of the County of St. Louis, State of Missouri, who is a party who has been aggrieved by a final order of the State Committee of Psychologists, which was mailed to Petitioner on or about January 30, 1996.

2. This is an action seeking review of the Findings of Facts and Conclusions of Law and Disciplinary Order of the Missouri State Committee of Psychologists in Case Number 94-001572PS. A copy of

this document is attached as Exhibit A and incorporated herein.

3. In its order the Committee adopted the decision of the Administrative Hearing Commission of the State of Missouri. A copy of this decision is attached as Exhibit B and incorporated herein.

4. The Commission's findings become final on February 29, 1996 and therefore this Petition for Review is timely filed pursuant to Section 536.110.1 RSMo.

5. This court has jurisdiction of this Petition for Review pursuant to Section 536.110.3 RSMo.

6. As grounds for review of the Committee's findings, Petitioner states:

(a) The findings and conclusions as adopted by the Committee are not supported by competent and substantial evidence;

(b) The Committee failed and refused to make findings consistent with the competent and substantial evidence;

(c) That the filing of this complaint against Petitioner was in violation of his rights to substantive due process as guaranteed to him by the Fifth and Fourteenth Amendments of the Constitution of the United States in that almost seven years had gone by before the person who initiated the complaint against Petitioner filed her complaint with the Respondent.

WHEREFORE, Petitioner requests that the Respondent certify and file with this court a copy of the record in this case including all papers and the transcript, along with all motions and memoranda filed in this cause; that this court review same as to the facts and the law and that said Findings of Fact, Conclusions of Law and

Disciplinary Order of Respondent be reversed and set aside.

A handwritten signature in cursive script, appearing to read "Lawrence J. Altman", is written over a horizontal line.

Lawrence J. Altman, #25704  
Attorney for Petitioner  
7711 Carondelet, Suite 508  
Clayton, Missouri 63105  
(314) 721-1222  
(314) 721-4427 FAX

Before the  
Administrative Hearing Commission  
State of Missouri

01229



DEPARTMENT OF ECONOMIC DEVELOPMENT,  
STATE COMMITTEE OF PSYCHOLOGISTS,

Petitioner,

vs.

BARBARA LEE,

Respondent.

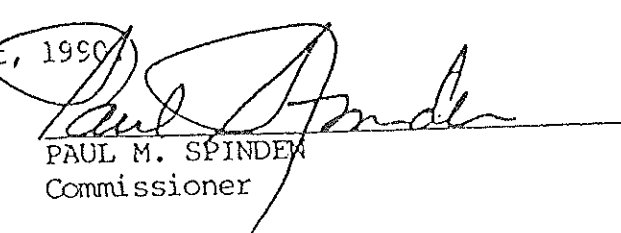
Case No. 90-000260PS

ORDER OF DISPOSITION

On August 16, 1990, the parties filed with this Commission a "Joint Stipulation of Facts, Waiver of Hearings Before the Administrative Hearing Commission and Department of Economic Development, State Committee of Psychologists, and Consent Order with Joint Proposed Findings of Fact and Conclusions of Law." Upon review of this document, the Commission finds that the parties have knowingly and voluntarily entered into a settlement in this matter and have freely waived their right to a hearing before this Commission and to a subsequent disciplinary hearing before the Department of Economic Development, State Committee of Psychologists. Further, upon review of the facts of the joint stipulation, agreed to by Respondent and therefore found to be true, it is the independent finding of this Commission that cause exists for Petitioner to take disciplinary action against Respondent's license under Section 337.035.2(5), (6), (11), (13), RSMo 1986. Based upon this finding of cause for discipline, therefore, this Commission approves the agreement of the parties set forth in the attached joint stipulation.

Accordingly, this Commission, pursuant to 1 CSR 15-2.150(1), adopts the terms of the Joint Stipulation of Facts, Waiver of Hearings Before the Administrative Hearing Commission and Department of Economic Development, State Committee of Psychologists, and Consent Order with Joint Proposed Findings Of Fact and Conclusions of Law filed by the parties. It is therefore ordered that this case be dismissed from this Commission's docket, effective this date.

DATED this 21 day of August, 1990

  
PAUL M. SPINDER  
Commissioner